REMARKS

Claims 24-37 presently appear in this case. No claims have yet been examined on the merits. All of the claims have been subject to restriction requirement. Reconsideration and withdrawal of the restriction requirement are respectfully urged.

The Examiner states that the application contains claims directed to more than one species of generic invention that are not so linked as to form a single general inventive concept under PCT Rule 13.1, and so Applicant has been required to elect a single species of type of agent and a single species of type of neurodegenerative disease from those listed below:

Group I. Type of agents: copolymer 1, a copolymer 1-related peptide, a copolymer 1-related polypeptide, T cells activated with copolymer 1, and T cells activated with copolymer 1-related peptide.

Group II. Type of neurodegenerative disease: Huntington's disease, Alzheimer's disease, Parkinson's disease.

The Examiner requires Applicant to elect a single species from each group above (i.e., a single species from the group of "Type of agents", and a single species from the group of "Type of neurodegenerative disease") to which the claims

shall be restricted if no generic claim is finally held to be allowable. The Examiner says that there is no special technical feature that the species have in common because the species are not art-recognized equivalents. This rejection is respectfully traversed.

In order to be responsive, Applicants hereby provisionally elect with traverse the species of Copolymer 1 and the species of Huntington's disease. It is respectfully submitted that at least claims 24-25 (in part), 26 (full), 29, 30, 32, 34-36 (in part) and 37 (full) are readable on the elected species.

The reasons for traverse are as follows.

First, Applicants respectfully submit that the Examiner's requirement is certainly impermissible as to the type of neurodegenerative disease in the independent claims. These claims are true generic claims and unity of invention requirements cannot be made from dependent claims.

The Examiner's attention is directed to the fact that unity of invention with respect to national stage applications is discussed in MPEP 1893.03(d). There it states that the Office should refer to MPEP 1850 for a detailed discussion of Unity of Invention. MPEP 1850 II states that unity of invention has to be considered in the first place only in relation to the independent claims, and not the dependent

claims. If the independent claim is directed to a single invention, it does not matter that dependent claims may encompass a multitude of inventions.

Second, as to the type of agent, the requirement is traversed on the ground that the species are art-recognized equivalents. In this regard, Applicants have recently been granted US Patent No. 6,844,314 and US Patent No 7,407,936 (corresponding to WO 01/52878 and WO 01/93893 cited on page 7, lines 1-6 and 15 of the present application) in which claim 1 of the '314 patent reads on:

> "A method for reducing secondary neuronal degeneration that follows neuronal damage caused by an injury, disease, disorder or condition in the central or peripheral nervous system of an individual in need thereof, other than multiple sclerosis, comprising: causing T cells activated by Copolymer 1 or a Copolymer 1-related peptide or polypeptide that is a random copolymer that cross-reacts functionally with myelin basic protein (MBP) and is capable of competing with MBP on the MHC class II molecule in antigen presentation, to accumulate at the site of neuronal degeneration in the individual in need, thereby reducing neuronal degeneration at that site, wherein said causing step comprises administering an effective amount of said Copolymer 1 or said Copolymer 1- related peptide or polypeptide in such a manner as to cause a T cell response thereto, such that T cells become activated by said Copolymer 1 or Copolymer 1 related peptide or polypeptide; or administering an effective amount of activated T cells that have been activated by said Copolymer 1 or said Copolymer 1-related peptide or polypeptide."

Claim 1 of the '936 patent is identical to claim 1 of the '314 patent, but limited to neuronal damage caused by glaucoma.

Therefore, the USPTO has already determined that the active agent species are art-recognized equivalents. Along these lines, Applicants note other examples of their patents demonstrating that the species (at least the copolymer species) are art-recognized equivalents are:

1. US Patent No. 7,053,043, in which claim 1 reads on:

> "A method for treating or suppressing host-versus-graft disease (HVGD) in a mammalian transplant recipient, comprising administering a therapeutically effective amount of an active ingredient that is a random copolymer consisting of amino acid residues selected from the group consisting of one amino acid from at least three of the following groups, the groups consisting of: (a) lysine and arginine; (b) glutamic acid and aspartic acid; (c) alanine and glycine; (d) tyrosine and tryptophan.

Dependent claims 2-4 define that the copolymer is copolymer 1.

2. US Patent No 7,351,686 (corresponding to WO03/047500 cited on page 7, line 15 of the present application), in which claim 1 reads on:

> "A method for protection against motor nerve degeneration, and/or protection from glutamate toxicity in a patient suffering from amyotrophic lateral sclerosis (ALS), which comprises immunizing said patient with a vaccine comprising a therapeutically effective amount of an active agent selected from the group consisting of Copolymer 1, a Copolymer 1-related peptide, and a Copolymer 1-related polypeptide."

Based on such, it is clear that the species are art-recognized equivalents. Thus, contrary to the Examiner's

position, there is a special technical feature that the species have in common, because the species are art-recognized equivalents.

Third, in applying the same unity of invention standard with similar claims, the International Searching Authority (ISR) for the corresponding international application (PCT/IL2004/001037) did not indicate lack of unity of invention. The Patent Office has the benefit of the search report, but fails to explain why a different legal conclusion was reached.

In view of the above, Applicants respectfully submit that all claims are directed to a single general inventive concept sharing the same or corresponding special technical feature. It is believed that Applicants are entitled to an action on the merits of all pending claims, in their full scope, in the present application. Reconsideration and withdrawal of this requirement is therefore earnestly solicited.

In the event that the Office disagrees with the traversal and maintains the requirement, then upon the allowance of a generic claim, kindly consider additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as

provided by 37 CFR 1.141 and in accordance with US practice, as noted at the bottom of page 2 of the Office Action.

Favorable action on the merits is requested.

If the Examiner has any proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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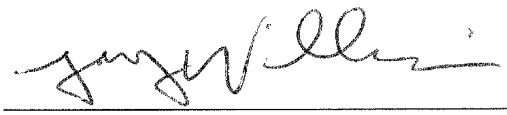
By 
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